

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

LEONARD D. NICOTRI

Plaintiff,

V.

JPMORGAN CHASE BANK,  
NATIONAL ASSOCIATION

Defendant.

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Case No. 4:06cv226  
(Judge Bush)

**STIPULATION OF DISMISSAL WITH PREJUDICE**

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes Plaintiff, LEONARD D. NICOTRI, and Defendant, JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, and files this Stipulation of Dismissal With Prejudice under Federal Rule of Civil Procedure 41 (a)(1)(ii):

1. Plaintiff is LEONARD D. NICOTRI; Defendant is JPMORGAN CHASE BANK, NATIONAL ASSOCIATION.

2. Plaintiff moves to dismiss the suit.

3. Defendant, who has answered, agrees to the dismissal.

4. This case is not a class action.

5. A receiver has not been appointed in this action.

6. This case is not governed by any federal statute that requires an order of the Court for dismissal of the case.

7. Plaintiff has not dismissed an action based on or including the same claims

as those presented in this suit.

8. All parties are to bear their own costs of suit.
9. This dismissal is with prejudice to refiling.

Respectfully submitted,

LAW OFFICES OF KENNETH L. CLARK, JR.  
5040 Tennyson Parkway  
Plano, Texas 75024  
Telephone: (972) 377-0709  
Telefax: (972) 377-0207  
Email: [kc@kcjrlaw.com](mailto:kc@kcjrlaw.com)

By: /s/ Kenneth L. Clark, Jr.  
KENNETH L. CLARK, JR.  
Texas State Bar No. 04289010

Lead attorney for Plaintiff,  
LEONARD D. NICOTRI

And

**JPMorgan Chase Legal Department**

By: /s/ Bradley J. Johnson  
Bradley J. Johnson, Esq.  
Texas State Bar #00792604  
Assistant General Counsel  
JP Morgan Chase & Co.  
PO Box 655415  
Dallas, TX 75265-5415  
(214) 290-7648  
(214) 290-7759 – fax

[bradley.j.johnson@jpmorchase.com](mailto:bradley.j.johnson@jpmorchase.com)

Attorney for Defendant,  
JPMORGAN CHASE BANK,  
NATIONAL ASSOCIATION

**CERTIFICATE OF SERVICE**

\_\_\_\_\_ I hereby certify that I have served a true and correct copy of this document has been forwarded by Facsimile and First Class Mail to:

Mr. Bradley J. Johnson  
JPMorgan Chase Legal Department  
P.O. Box 655415  
Dallas, Texas 75265-5415

on this the 11<sup>th</sup> day of December, 2007.

/s/ Kenneth L. Clark, Jr.  
KENNETH L. CLARK, JR.